

Woodhill Homeowners Association

FINES AND PENALTIES POLICY

Pursuant to A.R.S. Sections 33-1242, 33-1803 and the Woodhill Homeowners Association's ("Association") Declaration of Covenants, Conditions and Restrictions ("CC&Rs"), after notice of a violation and an opportunity to be heard, the Association may impose reasonable monetary penalties on lot owners for infractions of the Association's CC&Rs, Bylaws, Rules, Architectural Committee Standards and Policies (collectively "Governing Documents").

Any failure to correct an infraction of the Governing Documents (*for parking rules and penalties please refer to the Association's Parking Policy and Penalties*) by a Member (Owner), family member, tenant, guest, invitee or licensee, shall result in a fine against the applicable Owner and penalized as follows (in addition to any other penalties, disabilities or remedies available to the Association):

- **First offense:** *Courtesy Notice* sent to the Owner/Resident explaining the infraction of the Governing Documents and the Article and Section they are in violation of, and the steps to be taken to correct the infraction. The Owner/Resident will have fourteen (14) days to correct the infraction (with the exception of trash can and parking violations which must be corrected immediately). **(Trash container violations are to be remedied immediately. Trash container violations will accrue for a 6-month period, i.e., if an owner receives a first violation in January, they can receive a second notice and fine for a second trash container violation in April, and a third notice and fine in June. The accrual will start new the 1st day of January and July of each year).**

Any modification to the exterior of a property, that would otherwise require approval from the Architectural Committee, commenced without the requisite written approval from the Association will result in an automatic \$300.00 fine.

- **Second offense:** *Violation Notice* sent to the Owner instructing that the infraction be corrected within ten (10) days and imposing a \$100.00 fine for failure to correct the infraction from the previously sent *Courtesy Notice*. The owner will have (10) days to appeal the violation and request a hearing in front of the Board of Directors at the next scheduled Board of Directors meeting (or a time mutually agreed upon by both parties) prior to assessing any monetary penalties. If the Owner fails to appeal the violation within the allotted time, the \$100.00 fine will be automatically assessed to the Owner's account.
- **Third offense:** *Violation Notice* sent to the Owner instructing that the infraction be corrected within ten (10) days and imposing a \$100.00 fine for failure to correct the infraction from the previously sent *Violation Notice*. The owner will have (10) days to appeal the violation and request a hearing in front of the Board of Directors at the next scheduled Board of Directors meeting (or a time mutually agreed upon by both parties) prior to assessing any monetary penalties. If the Owner fails to appeal the violation within the allotted time, the \$100.00 fine will be automatically assessed to the Owner's account.
- **Fourth offense:** *Violation Notice* sent to the Owner instructing that the infraction be corrected within ten (10) days and imposing a \$100.00 fine for failure to correct the infraction from the previously sent *Violation Notice*. The owner will have (10) days to appeal the violation and request a hearing in front of the Board of Directors at the next scheduled Board of Directors meeting (or a time mutually agreed upon by both parties) prior to assessing any monetary penalties. If the Owner fails to appeal the violation within the allotted time, the \$100.00 fine will be automatically assessed to the Owner's account.

If the infraction is not corrected by the Fourth Violation Notice, the Governing Documents and Arizona law empower the Association to cure the infraction and assess the cost against the Owner's account. Furthermore, the Association may file a lawsuit against the Owner for injunctive relief to have a court order that the infraction be cured. In the event litigation is necessary, the Association will be entitled to seek all of its attorneys' fees and costs incurred in enforcing your compliance with the Governing Documents. These attorneys' fees and court costs can be expensive and will far exceed the amount in fines you have already been assessed.

Appeal Process: The Courtesy Notice and Violation Notices state the Owner's right to appeal any notice of violation. All appeal requests must be in writing and submitted to the Association's Managing Agent no more than ten (10) days from the date of the last Violation Notice. The Owner will be notified of the appeal hearing date. Failure to satisfy the requirements of the notice or to attend said meeting will constitute a waiver of the right to a hearing by the Owner. In the event of a hearing, any determination by the Board of Directors or designated committee shall be deemed conclusive.